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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,079	02/03/2004	Oscar E. Agazzi	13469US03	4537
23446 7590 11/27/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER CORRIELUS, JEAN B	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/772,079

Applicant(s)

AGAZZI ET AL.

Examiner

Jean B. Corrielus

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,11,15,17-19,23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,11,15,17-19,23 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/07 has been entered.
2. Applicant's arguments, see page 5, lines 21-27, filed 11/2/07, with respect to the rejection(s) of claim(s) 1 and 17 under 103 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Aly US patent No. 4,995,031. Note that any other points of argument are moot in view of the following new ground of rejection(s).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7, 11, 15, 17, 18, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aly et al US Patent No. 4,995,031 in view Kobayashi et al US patent No. 5,809,071.

As per claim 1, Aly et al teaches a feedforward equalizer 126 (see col. 5, lines 54-56) for equalizing a sequence of signal samples see col. 5, lines 53-54 inherently received from a remote transmitter, the "feedforward equalizer" being included in a receiver see fig. 1 having a decoder 140, the "feedforward filter" comprising: a non-adaptive filter fig. 11 operable to receive the signal samples col. 5, lines 53-54 and producing a filtered signal and a precursor in the filtered signal see fig. 6, fig. 11 and the output of summing device 1104, col. 3, lines 45-63 a precursor signal is a signal preceding another signal to facilitate timing recovery see fig. 6, 602, abstract and col. 9, lines 3-7. However, it fails to teach the further limitation a gain stage coupled to the non-adaptive filter, the gain stage allowing adjustment of the gain of the feedforward equalizer by adjusting the amplitude of the filtered signal, the amplitude of the filtered signal being adjusted so as to fit in operational range of the decoder; Kobayashi et al teaches a gain stage (3b) coupled to a filter 3a, the gain stage allowing adjustment of the gain of the feedforward equalizer by adjusting the level (amplitude) of the filtered signal, the level (amplitude) of the filtered signal being adjusted so as to fit in an operational range of the decoder see col. 6, lines 43-54. It would have been obvious to one skill in the art to incorporate such a teaching in Kobayashi et al so as to fit in operational range of the decoder, as taught by Kobayashi et al.

As per claim 2, the "feedforward equalizer" inherently does not enhance noise because the function of the equalizer is to remove noise component in the received signal.

As per claim 7, note that the function of the equalizer is to remove ISI induced by any source from the received signal and that would inherently includes ISI generated by a pulse shaping filter if such device was included in transmitter.

As per claim 11, it would have been obvious to one skill in the art to implement the equalizer as a programmable equalizer in order to be able to modify its characteristics parameter based on the changing channel condition so as to enhance signal processing.

As per claim 15, Aly further teaches a noise cancellation stage 132 or 134 the noise cancellation stage 132 or 134 subtracting from the filtered signal a noise signal received from a noise computing module 128 or 130 of the receiver and producing a noise-reduced filtered signal see fig. 1.

As per claim 17, see claim 1.

As per claim 18, see claim 2.

As per claim 23, see claim 7.

As per claim 27, see claim 11.

5. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aly et al US Patent No. 4,995,031 in view Kobayashi et al US patent No. 5,809,071 in further in view of Lee US patent No. 6,055,119.

As per claim 3, as applied to claim 1 above, Aly and Kobayashi teach the invention as claimed and Aly further teaches the additional limitation of the timing recovery device setting a sampling phase see col. 9, lines 9, lines 21-36. However, Aly and Kobayashi do not teach the further limitations of "wherein the feedforward equalizer does not affect the sampling phase setting of the timing recovery module of the receiver". Lee teaches the apparatus in which the feedforward equalizer 13 does not affect the sampling phase setting of the timing recovery module 12 of the receiver fig. 1. See col. 1, line 65-col. 2, line 4. Given that fact, it would have been obvious to one skill in the art to modify Aly and Kobayashi et al to prevent the feedforward equalizer from affecting the sampling phase setting of the timing recovery module of the receiver as suggested by Lee in order to optimize sampling timing of the input signal as taught by Lee see col. 1, line 31.


As per claim 19, see claim 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Monday-Thursday from 9:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jean B Corrielus  
Primary Examiner  
Art Unit 2611

11-24-07